

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

B.H., *et al.*,

Plaintiffs,

v.

JOHNSTON COUNTY
BOARD OF EDUCATION,

Defendant.

5:12-cv-405-FL

ORDER

This matter is before the Court on the parties Joint Motion to Seal the Administrative Record in this action. This action is brought under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §1400, *et seq.*, and involves a dispute regarding Defendant’s provision of a free appropriate public education to Plaintiff, B.H., who is a minor and a “child with a disability” as that phrase is defined in IDEA.

IDEA and the parallel provisions of North Carolina state law, N.C. Gen. Stat. § 115C-109.3, prohibit the disclosure of any record or information relating to the education of a child with a disability. Similarly, the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g (FERPA), protects educational records from disclosure, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects medical records from disclosure.


The administrative record in this action consists almost entirely of materials protected by one or more of the foregoing federal and state privacy laws. Permitting general public access to

B.H.'s protected records and information via the Court's ECF System would unnecessarily frustrate the purposes of those federal laws. Based on that concern, all parties to this action have joined in a motion to seal the administrative record to be submitted to the Court's ECF System in order to preserve the confidentiality of B.H.'s protected educational and medical records and information.

The important interests served by making court filings available to the general public are significantly outweighed by the need to preserve the confidentiality of the protected records and information contained throughout the administrative record in this case, and those privacy interests cannot be protected by any measure short of sealing the electronic version of the administrative record to be maintained in the Court's CM/ECF System.

In light of the foregoing, the parties' joint motion to seal the administrative record to be submitted to the Court's CM/ECF System in this matter is hereby GRANTED, and the Court ORDERS that the parties shall submit the electronic version of the administrative record in this matter to the Court's CM/ECF System under seal.

So ORDERED on this the 14TH day of May, 2013.


LOUISE W. FLANAGAN
United States District Court Judge